

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants note that the Examiner has inadvertently failed to acknowledge Applicant's claim for foreign priority or that the certified copy of the priority document was received in parent application 09/548,744. The Examiner is respectfully requested to confirm this matter in the next official communication.

The Examiner further inadvertently failed to indicate the status of the drawings in the application. Applicants assume the submitted drawings are acceptable, and respectfully request such an indication from the Examiner in the next official communication.

Claims 34-47 were previously canceled. The Examiner has maintained his restriction requirement. As a result, claims 1-33 stand withdrawn from further consideration, leaving claims 48-50 pending. In order to advance the prosecution of the present application, Applicants herewith cancel claims 34-47. However, Applicants expressly reserve the right to submit similar type claims in another application.

Claims 48-50 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,798,885 to MALCOLM. Applicant respectfully traverses this ground of rejection. Specifically, Applicants submit that MALCOLM is not a valid

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prior art reference with respect to the present application.

MALCOLM has an effective filing date of April 29, 1999. The present application claims the benefit of Japanese priority document HEI 11-106739, filed on April 14, 1999, which is 15 days prior to the effective filing date of MALCOLM.

Accordingly, Applicants submit that the MALCOLM patent is not a proper reference. Applicants herewith submit a verified English language translation of this priority document HEI 11-106739 to overcome the rejection of the pending claims in the instant application. The Examiner is respectfully requested to review the verified translation and thereafter withdraw the 35 U.S.C. §102 rejection in which MALCOLM is employed as a reference.

SUMMARY AND CONCLUSION

Applicants note that no proper prior art rejection has been applied against the claims of the present application. Accordingly, Applicants submit that the present application is in condition for allowance. Accordingly, the Examiner is respectfully requested to indicate such, and to pass the application to issue.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application should be directed to the undersigned at the telephone number given below.

Respectfully submitted,
Taketo YOSHII et al.

A handwritten signature in black ink, appearing to read "Bruce H. Bernstein", is written over a horizontal line.

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Steven Wegman
Reg. No. 31,438

Enclosure: Verified English Translation of Priority Document